

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23017 of 2007(M)

PETITIONER:

**K.C.SANTHA,
W/O.K.S.GOPI, RETIRED VILLAGE OFFICER,
KUNNAMANGALAM VILLAGE, KOZHIKODE.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

- 1. LAND REVENUE COMMISSIONER,
TRIVANDRUM.**
- 2. DISTRICT COLLECTOR,
KOZHIKODE.**
- 3. STATE OF KERALA REPRESENTED BY ITS
SECRETARY, REVENUE DEPARTMENT, TRIVANDRUM.**
- 4. HEMA,
DEPUTY TAHSILDAR, KOZHIKODE.**

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.23017 of 2007-M

JUDGMENT

The petitioner retired from service as Village Officer. She feels aggrieved by the omission of the respondents to promote her to the post of Deputy Tahsildar. The petitioner filed Ext.P4 representation, highlighting her grievances. The said representation was ordered to be considered, by this Court by Ext.P5 judgment. In obedience to the said direction, the Land Revenue Commissioner has issued Ext.P6 order, rejecting her representation. This writ petition is filed, challenging Ext.P6.

2. The petitioner points out that one Smt.M.Hema, who joined the post of L.D. Clerk on 11.9.1986 was promoted as Deputy Tahsildar, whereas the petitioner who joined service on 28.1.1986, is denied promotion. The Land Revenue Commissioner found that Smt.M.Hema cleared the obligatory departmental tests in 1990 and therefore, she was promoted as U.D.C/S.V.O on 31.8.1990. The petitioner was able to clear the tests only on 22.10.1996. So, she was promoted as U.D.C./S.V.O with effect from 5.7.1996, apparently

relying on Rule 28(bbb) of Part II, K.S. & S.S.R. But, the petitioner claimed the benefit of Rule 13A, which provides for temporary exemption for three years for the members of the scheduled caste. The Land Revenue Commissioner found that even if the said benefit was extended to her, she was liable to be reverted in 1989 and could, thereafter, be promoted only in 1996. As a result of her promotion, she was included in the rank-list of U.D.C./S.V.O for the period from 31.6.1996 to 31.12.2000 as serial number 47. The petitioner's turn has not arisen for promotion to the post of Deputy Tahsildar, it is stated in Ext.P6. No material is produced in this writ petition to dispel the said finding of fact. Therefore, the challenge against Ext.P6 cannot be upheld. Accordingly, the writ petition fails and it is dismissed.

K. BALAKRISHNAN NAIR,
JUDGE .

27th July, 2007.
nm.